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FEB 28 2017

Magistrate Judge Brian A. Tsuchida

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY DEPUTY

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

ANTONIO RAMIREZ-POLENDO

Defendant.

NO. **MJ17-067**

COMPLAINT for VIOLATION
U.S.C. Title 8 Section 1326(a)
(Illegal Reentry After Deportation)

(Felony)

BEFORE Brian A. Tsuchida, United States Magistrate Judge,
United States Courthouse, 700 Stewart Street, Seattle, Washington.

COUNT I

On or about February 10, 2017, at Des Moines, within the Western District of Washington, ANTONIO RAMIREZ-POLENDO, an alien, a native and citizen of Mexico, who was previously arrested and deported from the United States on October 26, 2004, at El Paso, Texas, was found after knowingly and voluntarily reentering the United States without the express consent of the Secretary of the Department of Homeland Security.

All in violation of Title 8, United States Code, Section 1326(a).

The undersigned complainant being duly sworn states:

COMPLAINT/ RAMIREZ-POLENDO - 1

UNITED STATES ATTORNEY
700 STEWART STREET, SUITE
5220
SEATTLE, WASHINGTON 98101
(206) 553-7970

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2 1. I, Carina G. Benito, am a Deportation Officer in the United States
3 Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE),
4 assigned to the Office of Enforcement and Removal Operations (ERO) for the Seattle
5 District Field Office in Tukwila, Washington. I am a Deportation Officer of ICE, and its
6 predecessor, the Immigration and Naturalization Service (INS). Part of my duties entail
7 the location and apprehension of foreign nationals in the United States who are or have
8 been engaged in criminal activity.

9 The following information is based on my investigation, the investigation of other
10 officers and agents of ICE, official records of United States Citizenship and Immigration
11 Services (hereinafter "CIS"), and the records of the Superior Court of Washington for
12 King County.

13 2. My investigation has revealed that CIS maintains alien registration
14 administrative file, commonly referred to as an A-file, 098 174 408, on ANTONIO
15 RAMIREZ-POLENDO. A-file 098 174 408 is the official Immigration file maintained
16 by CIS, and is a consolidated repository of all known Immigration contacts with
17 ANTONIO RAMIREZ-POLENDO hereinafter "defendant." Documents in the A-file
18 show the defendant is a native and citizen of Mexico.

19 3. The A-file of the defendant contains certified conviction documents from
20 the records of the Superior Court of Washington for King County. This record indicates
21 that the defendant was convicted of the following offense:

22 a. Superior Court of Washington for King County, cause number
23 04-1-00506-6 SEA, for the offense of Violation of Uniform Controlled Substance Act –
24 Possession with Intent to Manufacture and Deliver of Cocaine and Heroin, in violation of
25 Washington Revised Code 69.50.401, sentenced to 12 months and one day on
26 June 16, 2004.

27 4. Within the A-file of the defendant, there is an executed I-205, Warrant of
28 Removal/Deportation. This document reflects that the defendant was deported on

1 October 26, 2004, at Paso del Norte, Texas.

2 The Form I-205 bears the fingerprint and photograph of the defendant as
3 physical proof of his deportation from the United States to Mexico.

4 5. On October 22, 2004, the defendant was processed for administrative
5 removal and was served with a Final Administrative Removal Order on
6 October 22, 2004, in the ICE Office in Seattle, Washington. The Removal Order was
7 issued ordering the defendant be deported to Mexico as a result of the admissions he
8 made to the charges as set forth in the Notice of Intent to Issue a Final Administrative
9 Removal Order. The admissions concern his illegal presence in the United States and his
10 conviction for VUCSA: Delivery of Cocaine and Heroin. The defendant was deported to
11 Mexico on October 26, 2004. However, he later returned to the United States.

12 In addition to the defendant's 2004 deportation, he has been granted seven (7)
13 voluntary departures in 2000 (five), 2001, and 2006.

14 6. On February 10, 2017, the defendant was located by Deportation Officer
15 (DO) Taula Peter, assigned to the ICE Criminal Alien Program in the Seattle Field
16 Office. DO Peter regularly investigates names of prior deportees by checking them
17 against law enforcement databases for deported felons who have returned to the Seattle
18 area. These checks consist of querying indices such as the Treasury Enforcement
19 Communication System (TECS) and the Automated Targeting System (ATS). DHS
20 record checks indicated the defendant returned to the United States and appeared to be
21 currently residing at 2701 S. 224th Street C-301, Des Moines, Washington. ~~7/8~~

22 On February 10, 2017, Detention Officers T. Peter, J. Hicks, and
23 L. Hernandez, conducted surveillance at 2701 S. 224th Street C-301, Des Moines,
24 Washington, when an individual matching the physical description of the defendant drove
25 a black Toyota Matrix into the apartment complex parking lot in front of the
26 aforementioned address. The description of the individual was based on a current
27 photograph obtained thru the Law Enforcement database. The officers approached the
28 vehicle. DO Hernandez made contact with the defendant outside his place of residence

1 and identified himself as an ICE Officer. The defendant identified himself and was then
2 placed under administrative arrest and taken into ICE custody.

3 7. On February 10, 2017, DO Peter interviewed the defendant, and advised
4 him of his *Miranda* rights via a standard ICE Statement of Rights form. The defendant
5 indicated that he understood his rights, that he invoked his right, declined to provide a
6 statement, and wanted to talk to an attorney.

7 8. On February 10, 2017, DO Peter fingerprinted the defendant at the
8 ICE/ERO Tukwila Field Office. On February 21, 2017, I electronically submitted the
9 defendant's fingerprints to the FBI via the Integrated Automated Fingerprint
10 Identification System (IAFIS) as a Search with Verification Transaction, which is a
11 request to an FBI fingerprint examiner to confirm a potential match between the
12 defendant and other IAFIS candidates as maintained by the FBI's Criminal Master File.
13 On February 21, 2017, I received confirmation from the FBI the fingerprints I submitted
14 of the defendant were an exact match with FBI number 754873EC5. This is the same
15 FBI number associated with the defendant's immigration file, 098 174 408, and VUCSA
16 conviction noted in paragraph three above.

17 9. I have conducted a complete and thorough review of the defendant's
18 Immigration A-file 098 174 408, which contains no evidence that he has ever applied for
19 or received permission to reenter the United States after deportation.

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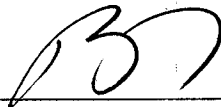
1 10. Based on the foregoing, I have probable cause to believe that ANTONIO
2 RAMIREZ-POLENDO has reentered the United States knowingly and voluntarily
3 without the express consent of the Secretary of the Department of Homeland Security, in
4 violation of Title 8, United States Code, Section 1326(a).

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6 

7 Carina G. Benito, Complainant
8 ICE Deportation Officer

9
10 Reviewed by AUSA Don Reno 

11 Based on the Complaint and Affidavit sworn to before me, and subscribed in my
12 presence this February 28, 2017, the Court hereby finds that there is probable cause to
13 believe the defendant committed the offense set forth in the Complaint.

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16 Brian A. Tsuchida
17 United States Magistrate Judge